IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18608 of 2007(M)

PETITIONER:

M.PADMANABHAN,SUPERVISOR (MECHANIC),
AIRPORT AUTHORITY OF INDIA,CALICUT AIRPORT.

BY ADV. SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR
SRI.GILBERT GEORGE CORREYA

RESPONDENTS:

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1. THE AIRPORT AUTHORITY OF INDIA,
REPRESENTED BY THE REGIONAL EXECUTIVE DIRECTOR,
AIRPORT AUTHORITY OF INDIA,SOUTHERN REGION,
CHENNAI - 400 027.

2. THE AIRPORT DIRECTOR,
AIRPORT AUTHORITY OF INDIA,
MANGALORE AIRPORT,MANGALORE.

3. THE MANAGER,
(PERSONNEL AND ADMINISTRATION),
AIRPORT AUTHORITY OF INDIA,CALICUT INTERNATIONAL,
AIRPORT,CALICUT AIRPORT P.O - 673 647.

BY SRI.N.N.SUGUNAPALAN (SR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/07, THE COURT ON 18/06/2007 DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.18608 of 2007 (M)

Dated this the 18th June, 2007.

JUDGMENT

The petitioner, who is a Supervisor (Mechanic) under the respondent, is presently working at Calicut Airport. By Ext.P2 order, he has been transferred to Mangalore. The said order says that the transfer is made in public interest. The petitioner attacks the said order on the ground that the same is issued in violation of clause 6(3) of the transfer norms, which says that the persons who have got only five years of service to retire should be accommodated in the home town. If the same cannot be done, he may be exempted from transfer during the last five years before retirement. Petitioner also submits that the transfer is a mala fide exercise of power. He points out that there are his seniors, who have opted to be posted at Mangalore. Without transferring them, the petitioner has been preferred for transfer. He has submitted Ext.P4 representation before the first respondent, pointing out his grievances against the transfer, and claiming retention at Calicut. Thereafter, this writ petition has been filed, seeking appropriate reliefs.

2. This Court can interfere with the transfer only if the same is illegal or vitiated by mala fides. No such ground has been made out in this writ petition. Violation of the norms can never be described as illegal. No materials are produced in this writ petition to find that the transfer is vitiated by mala fides. Therefore, the challenge against Ext.P2 fails.

If Ext.P2 has been received and is pending, the first respondent will pass orders on it as expeditiously as possible. Subject to that right, this writ petition is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.